

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-CR-00310-RJC-DSC

USA)
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)
)
v.) ORDER
)
)
EUGENIO LAMICQ CASTRO)
MARIA ETELIANA MORA ARGUEDAS
HAMBLET ARROYO BRENES
)

THIS MATTER is before the Court on the government's Motion to Consolidate Cases, (Doc. No. 19), and defendant Brenes's responses in opposition, (Doc. No. 23, 24). Defendants Chavez and Oman also responded in opposition to the government's Notice of the Motion to Consolidate Cases filed in the related case. (Case No. 3:18-cr-311, Doc. Nos. 130, 131).

Local Rule 20.1 provides for the re-assignment of a case to a district judge handling a related case. Ordinarily, "the Clerk of Court shall re-assign the latter case to the judge presiding in the lowest case number, unless otherwise set forth in the order." Id. Here, the instant case has the lowest case number by one digit. The government did not indicate on the New Criminal Case Cover Sheet for either case, (Doc. No. 3-2, Case No. 3:18-cr-311, Doc. No. 3), that they were related, and the next sequential case was assigned to the Honorable Max O. Cogburn, Jr.

The government explains the two indictments could have been originally joined as relating to the same alleged fraudulent sweepstakes telemarketing scheme, but the defendants were split into two cases based on their eligibility for extradition from

Costa Rica. (Doc. No. 19: Motion at 2-3). Accordingly, extraditable defendants began to appear in the case before Judge Cogburn as early as October 3, 2018, (Case No. 3:18-cr-311, Doc. No. 19), where defendant Brenes, believed to be a citizen of Costa Rica, appeared in the instant case on November 24, 2019. Thus, in the circumstances of this matter, it is in the interest of justice to re-assign this case to Judge Cogburn. The defendants' concerns about the whether the indictments will be consolidated for trial or proceed separately can be raised before by the receiving judge.

IT IS, THEREFORE, ORDERED that the government's motion is **GRANTED in part**, and the Clerk of Court shall re-assign this case to the Honorable Max O. Cogburn, Jr.

Signed: January 7, 2020



Robert J. Conrad, Jr.
United States District Judge

